

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KEVIN D. JONES,)	
)	
Petitioner,)	
)	
v.)	No. 4:05-CV-948 CAS
)	
CHUCK DWYER,)	
)	
Respondent.)	

ORDER OF DISMISSAL

This matter is before the Court on state prisoner Kevin D. Jones' action pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge David D. Noce for report and recommendation on all dispositive matters and for final disposition on all non-dispositive matters, pursuant to 28 U.S.C. § 636(b).

On June 18, 2007, Judge Noce filed a Report and Recommendation of United States Magistrate Judge which recommended that Jones' petition for writ of habeas corpus be dismissed without prejudice for petitioner's failure to exhaust his state law remedies. No objections were filed to the Magistrate Judge's Report and Recommendation within the time permitted.

After careful review of the record, the Court concurs in the recommendation of the Magistrate Judge.

Accordingly,

IT IS HEREBY ORDERED that the June 18, 2007 Report and Recommendation of United States Magistrate Judge is **sustained, adopted** and **incorporated** herein. [Doc. 9]

IT IS FURTHER ORDERED that this matter is **DISMISSED**, without prejudice.

A handwritten signature in cursive script, reading "Charles A. Shaw", written in black ink.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 9th day of July, 2007.